

REMARKS

Applicant responds hereby to the Final Office Action dated March 7, 2008. Claims 1, 3, 4 and 17 are amended hereby. Claims 11 and 15 were previously cancelled without prejudice or disclaimer of subject matter. Claims 1-10, 12-14, and 16-21 remain pending hereinafter, where Claims 1 and 17 are independent claims.

Favorable consideration and allowance of the claims of the present application are respectfully requested.

Objection on Specification

In the advisory action issued on May 23, 2008, the Examiner indicated that canceling Claim 11 overcame the objections under 37 CFR 1.75(d)(1) and MPEP §608.01(o).

Response to rejections under 35 U.S.C. §102(e)

The Examiner rejects Claims 1, 11, 15-18, 20, and 21 under 35 U.S.C. §102(e) as allegedly being anticipated by Osborn (US Patent No. 7,050,807) (hereinafter “Osborn”).

In response, independent Claims 1 and 17 are being amended to recite a Concrete Resource Model describing a desired resource structure “having nodes and edges, said nodes representing resources and requirements on a state of said resources, said edges representing relationships between said resources, said edges being associated with a set of attributes, said attributes describing a type of a relationship and describing whether said relationship is fixed or dynamic, said attributes including color attributes, said color attributes indicating whether said relationship must exist or not, and said type of said relationship comprising one or more of: a

first resource uses a second resource to perform a function, a first resource is a runtime container for a second resource, a first resource and a second resource are connected to communicate each other, a first resource is a federation of other resources including a second resource, and a first resource includes a second resource and the first resource is a set of homogeneous resources”.

The added limitation is supported in paragraphs [0029]-[0034], [0042], and [0044] of the corresponding Pre-Granted Publication (US 2005/0177600 A1). Therefore, no new matter is entered.

Though Osborn discusses an abstract resource description (alleged by the Examiner as equated with a “Concrete Resource Model” in the present application), Osborn does not discuss the Concrete Resource Model as including nodes representing resources and requirements on a state of the resources, edges representing relationships between the nodes, attributes describing a type of a relationship and describing whether the relationship is fixed or dynamic, and color attributes indicating whether the relationship must exist or not. Furthermore, Osborn does not discuss any type of relationship such as a first resource uses a second resource to perform a function, a first resource is a runtime container for a second resource, a first resource and a second resource are connected to communicate each other, a first resource is a federation of other resources including a second resource, and a first resource includes a second resource and the first resource is a set of homogeneous resources.

Therefore, the amended Claims 1 and 17 are patentably distinct over Osborn.

Claims 11 and 15 were previously cancelled without prejudice or disclaimer of subject matter. Claim 16 is directed to a program storage device and depends on Claim 1. By the virtue of its dependency, Claim 16 is patentably distinct over Osborn. Claim 18 is directed to a

computer program product and depends on Claim 17. By the virtue of its dependency, Claim 18 is patentably distinct over Osborn. Claims 20-21 depend on Claim 1. In the virtue of dependency, Claims 20-21 are patentably distinct over Osborn. Thus, the Examiner is respectfully requested to withdraw the rejections on Claims 1, 11, 15-18, 20, and 21 under 35 U.S.C. §102(e).

The Examiner further rejects Claims 2, 3, 7, 8, and 19 under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn in view of Porter et al. (US Patent No. 6, 332, 023 B1) (hereinafter "Porter").

Claim 2 depends on Claim 1 and patentable herewith. Claim 3 is being amended to provide proper antecedent basis on "nodes", "attributes", and "relationships". Claims 3 and 19 depend on Claim 2 and patentable herewith. Claims 7-8 depend on Claim 1 and patentable herewith. Therefore, the Examiner is respectfully requested to withdraw the rejections on Claims 2, 3, 7, 8, and 19 under 35 U.S.C. §103(a).

The Examiner rejects Claims 4 and 6 under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn and Porter in the view of Tulpule et al. (US Patent No. 4,980,824) (hereinafter "Tulpule") and in the view of Jenner (US Patent No. 4,648,031) (hereinafter "Jenner").

In response, Claim 4 is being amended to recite "said side effects of the provisioning action comprising: creating the relationships between the resources, destroying the relationships between the resources, and changing values of the attributes in corresponding Resource Instance Services". The added limitation is supported in the paragraphs [0042] and [0052] of the

corresponding Pre-Granted Publication (US 2005/0177600 A1). Therefore, no new matter is entered.

Though Jenner discusses “log records including records of changes to the resource collections” at Col. 2 Line 6-8, Jenner fails to discuss “creating the relationships between the resources, destroying the relationships between the resources, and changing values of the attributes in the Resource Instance Services”. Osborn, Porter and Tulpule do not discuss the side effects of the provisioning actions. Therefore, the amended Claim 4 is patentably distinct over Osborn, Porter, Tulpule, Jenner, whether alone or in combination.

Claim 6 depends on Claim 4 and patentable herewith. Therefore, the Examiner is respectfully requested to withdraw the rejections on Claims 4 and 6 under 35 U.S.C. §103(a).

The Examiner rejects Claim 5 under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn and Porter in the view of Tulpule.

Claim 5 depends on Claim 2 and patentable herewith.

The Examiner rejects Claims 9 and 10 under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn in the view of Glasmann et al. (US Patent Application Publication No. US 2004/0128397 A1) (hereinafter “Glasmann”).

Claims 9 and 10 depend on Claim 1 and patentable herewith.

The Examiner rejects Claim 12 under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn in the view of Chellis. (US Patent No. US 6,901,446 B2) (hereinafter “Chellis”).

Claim 12 depends on Claim 1 and patentable herewith.

The Examiner rejects Claims 13 and 14 under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn in the view of Newman et al. (US Patent No. US 5,151,984) (hereinafter "Newman").

Claims 13 and 14 depend on Claim 1 and patentable herewith.

Conclusion

Thus, the Examiner is respectfully requested to consider Claims 1-10, 12-14, and 16-21 in light of the distinctions described in the above remarks, to allow these claims to proceed to issuance, which action is respectfully solicited.

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Respectfully submitted,



Steve Fischman
Registration No. 34,594

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
SF/JP:av